

Senate Bill No. 1578

CHAPTER 693

An act to amend Section 44017.4 of the Health and Safety Code, and to add Section 4750.1 to the Vehicle Code, relating to emission control.

[Approved by Governor September 18, 2002. Filed
with Secretary of State September 18, 2002.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1578, Johannessen. Emission control: specially constructed vehicles.

Existing law defines a specially constructed vehicle as a vehicle that is built for private use, not for resale, and is not constructed by a licensed manufacturer or remanufacturer, and requires all specially constructed vehicles to be subject to the emission control system testing and certification requirements established by the Department of Consumer Affairs. Existing law also requires a passenger vehicle or pickup truck that is a specially constructed vehicle to be inspected by stations authorized to perform referee functions, and requires the Department of Motor Vehicles to provide an initial registration to no more than the first 500 vehicles that meet the specified criteria and are presented to the department each year for registration.

This bill would eliminate the requirement that the registration provided to the first 500 vehicles by the Department of Motor Vehicles be an initial registration for that vehicle, and would specify that the 500-vehicle limit does not apply to the renewal of registration of a vehicle previously registered pursuant to those provisions.

This bill would require the department, if it receives during a calendar year an application for registration of a specially constructed passenger vehicle or pickup truck after it has registered 500 specially constructed vehicles during that calendar year, and the vehicle has not been previously registered, to assign the same model year as the calendar year in which the application is submitted, for purposes of determining emissions control equipment and inspection requirements for the vehicle. The bill would require the department to deny an application for registration during a calendar year of a specially constructed passenger vehicle or pickup truck that was previously registered, if the application for registration is received after the department has registered 500 specially constructed vehicles during that calendar year and the application requests a model-year determination different from the model-year determination assigned in the previous application. The

vehicle owner would be subject to the emission control and inspection requirements applicable to the model-year assigned in the previous registration. The bill would permit the vehicle owner to apply for a different model-year determination in a subsequent calendar year subject to the 500-vehicle annual limitation.

The people of the State of California do enact as follows:

SECTION 1. Section 44017.4 of the Health and Safety Code is amended to read:

44017.4. (a) Upon registration with the Department of Motor Vehicles, a passenger vehicle or pickup truck that is a specially constructed vehicle, as defined in Section 580 of the Vehicle Code, shall be inspected by stations authorized to perform referee functions. This inspection shall be for the purposes of determining the engine model-year used in the vehicle or the vehicle model-year, and the emission control system application. The owner shall have the option to choose whether the inspection is based on the engine model-year used in the vehicle or the vehicle model-year.

(1) In determining the engine model-year, the referee shall compare the engine to engines of the era that the engine most closely resembles. The referee shall assign the 1960 model-year to the engine in any specially constructed vehicle that does not sufficiently resemble a previously manufactured engine. The referee shall require only those emission control systems that are applicable to the established engine model-year and that the engine reasonably accommodates in its present form.

(2) In determining the vehicle model-year, the referee shall compare the vehicle to vehicles of the era that the vehicle most closely resembles. The referee shall assign the 1960 model-year to any specially constructed vehicle that does not sufficiently resemble a previously manufactured vehicle. The referee shall require only those emission control systems that are applicable to the established model-year and that the vehicle reasonably accommodates in its present form.

(b) Upon the completion of the inspection, the referee shall affix a tamper-resistant label to the vehicle and issue a certificate that establishes the engine model-year or the vehicle model-year, and the emission control system application.

(c) The Department of Motor Vehicles shall annually provide a registration to no more than the first 500 vehicles that meet the criteria described in subdivision (a) that are presented to that department for registration pursuant to this section. The 500-vehicle annual limitation



does not apply to the renewal of registration of a vehicle registered pursuant to this section.

SEC. 2. Section 4750.1 is added to the Vehicle Code, to read:

4750.1. (a) If the department receives an application for registration of a specially constructed passenger vehicle or pickup truck after it has registered 500 specially constructed vehicles during that calendar year pursuant to Section 44017.4 of the Health and Safety Code, and the vehicle has not been previously registered, the vehicle shall be assigned the same model-year as the calendar year in which the application is submitted, for purposes of determining emissions control equipment and inspection requirements for the vehicle.

(b) If the department receives an application for registration of a specially constructed passenger vehicle or pickup truck that has been previously registered after it has registered 500 specially constructed vehicles during that calendar year pursuant to Section 44017.4 of the Health and Safety Code, and the application requests a model-year determination different from the model-year assigned in the previous registration, the application for registration shall be denied and the vehicle owner is subject to the emission control and inspection requirements applicable to the model-year assigned in the previous registration. However, a denial of an application for registration issued pursuant to this subdivision does not preclude the vehicle owner from applying for a different model-year determination and application for registration under Section 44017.4 of the Health and Safety Code in a subsequent calendar year.

